

REMARKS

Claim 1-13 are pending in this application. By this Amendment, claims 1-4 are amended and claims 9-13 are added. Claims 5-8 were withdrawn as directed to non-elected inventions. In view of the above amendments and following remarks, Applicants respectfully request reconsideration of this application.

The Office Action rejects claims 1-4 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,134,831 to Dawson et al. (hereinafter "Dawson"). The Office Action also rejects claims 1-4 under 35 U.S.C. §102(a) as being anticipated by U.S. Pat. No. 6,238,570 to Sivavec (hereinafter "Sivavec").

Specifically, Applicants respectfully assert that Dawson fails to disclose or suggest selecting as water decontaminant a sorbent material that binds anionic species predominantly through the formation of surface complexes, said sorbent material having a composition including divalent metals, trivalent metals, and species selected from the group consisting of oxygen and sulfur, as recited in independent claim 1. Indeed Dawson fails to recognize the decontaminating nature of magnetite, let alone select magnetite as the decontaminant. Instead Dawson uses magnetite to enable the collecting (through magnetically attractable collection units including magnetite) of pollutants sorbed by decontaminants different than magnetite. See, for example, the abstract; see also line 58 of column 5 to line 55 of column 6.

Accordingly, claim 1 distinguishes over the disclosure in Dawson by selecting the generic sorbent recited in claim 1 (which recited sorbent includes, but is not limited to, magnetite) as the water decontaminant, and then decontaminating the water by contacting it with the selected sorbent. See, for example, 35 U.S.C. §100(b) (defining "process" as including "a new use of a known ... composition of matter, or material."); see also *In re Hack*, 114 U.S.P.Q. 161, 163 (CCPA 1957) (discussed in M.P.E.P. §2112.02).

Claims 9, 2-4, and, 10-13 either directly or indirectly depend from claim 1. Claims 9, 2-4, and 10-13 therefore distinguish over Dawson at least for the reason described with respect to claim 1. Claims 9, 2-4, and 10-13 additionally distinguish over Dawson for their own merits.

Dawson therefore fails to anticipate claims 1-4 and 9-13.

As to Sivavec, Applicants respectfully assert that Sivavec fails to disclose or suggest selecting as water decontaminant a sorbent material that binds anionic species predominantly through the formation of surface complexes, said sorbent material having a composition including divalent metals, trivalent metals, and species selected from the group consisting of oxygen and sulfur, and decontaminating water by contacting said selected sorbent material with water, as recited in independent claim 1. Rather, Sivavec discloses decontaminating water by a redox reaction (which is not a reaction forming surface complexes) with ferrous sulfide zones acting as reactive sites, which ferrous sulfide was generated by the non-iron-sulfide treating of iron-bearing material. See, for example, claims 1-30; see also lines 52-67 of column 5.

Accordingly, claim 1 distinguishes over the disclosure in Sivavec by selecting the generic sorbent recited in claim 1 as the water decontaminant, a sorbent that binds anionic species predominantly through the formation of surface complexes, and then decontaminating the water by contacting it with the selected sorbent

Claims 9, 2-4, and, 10-13 either directly or indirectly depend from claim 1. Claims 9, 2-4, and 10-13 therefore distinguish over Sivavec at least for the reason described with respect to claim 1. Claims 9, 2-4, and 10-13 additionally distinguish over Sivavec for their own merits.

Sivavec therefore fails to anticipate claims 1-4 and 9-13.



Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections of claims 1-4.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 and 9-13 are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Attachments:

Duplicate copy of "Request for Continued Examination Transmittal" (Form PTO/SB/30), including request of extension of time necessary for entry and authorization to charge necessary fees to account 10-0131.

Date: 1/27/2005

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